Remarks

In the Office Action mailed October 3, 2006, the claims are provisionally rejected under the judiciary created, non-statutory double patenting. In response to the rejection, Applicants submit a terminal for the provisional rejection which has become final. In particular, Applicants submit a Terminal Disclaimer disclaiming the terminal portion of the current application over U.S. Application Serial No. 10/307,121, which has now granted as U.S. Patent 7,162,263.

Claims 21-22, 24-27 and 29-49 are rejected under 35 USC §103(a) as being anticipated by U.S. Patent 6,724,403 to Santoro et al. (hereinafter "Santoro") in view of Heather McDaniel (PalmPower Review, Album to Go Software, hereinafter "McDaniel"). Claims 23 and 28 are rejected under 35 USC §103(a) as being unpatentable over Santoro in view of U.S. Patent 6,360,252 to Rudy et al. (hereinafter "Rudy"). Applicants have amended each independent claims to overcome the rejections and believe that the claims are in a condition for allowance.

Response to Rejection under 35 USC §103(a)

Before addressing the new amendments to the claims, Applicants would like to further point out that Santoro fails to disclose or suggest enabling access by a user, remote from a cellular telephone by way of a webpage for a user associated with a wireless service provider for the cellular telephone, to the plurality of picture files and the information which has been changed by a user interface on the cellular telephone. This step had been added to each independent method claim by a previous amendment. While it is suggested in the Office Action that the step of enabling access by a user, remote from a cellular telephone, by way of a webpage for a user associated with a wireless service provider is disclosed in col. 23, lines 1-18 and lines 60-67 (both relating to Fig. 26 of Santoro), Applicants submit that Santoro clearly fails to disclose the step of enabling access as claimed in each of the independent claims. Applicants respectfully submit that Fig. 26 of Santoro discloses one specific embodiment of a client-server feature of providing information directly to the client device from a third party website. While information according to the system of Santoro is normally provided to the client device by way of the server 2602, the server of the embodiment of Fig. 26 may enable information to be provided to the client device by the third party web-site. That is, if the client device is logged on

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to the server, it may receive information by way of the website. There is no teaching or

suggestion that a user could separately access the plurality of pictures remotely from the cellular

telephone as claimed.

However, in order to further distinguish Applicants' claims over the combination of

references, Applicants have amended claims 21 and 26 to more clearly define Applicants'

method by further defining the user's ability to access the plurality of picture files. In particular,

Applicants have amended independent method claims 21 and 26 to include a step of:

> "enabling a user to separately select a selection option
> associated with each picture file of said plurality of picture files
> displayed on said webpage by way of said webpage for a user
> associated with a wireless service provider for said cellular
> telephone."

Applicants respectfully submit that Santoro clearly fails to disclose enabling a user to separately

select a selection option associated with each picture file of the plurality of picture files displayed

on the webpage for the user. More importantly, Santoro clearly teaches away from Applicants'

invention by teaching that consistent grid and tile implementations are provided independent of

the device on which it is implemented. The use of servers allow for the latest versions of tiles to

be downloaded and installed across all devices, even if those devices are different types of

devices. (Col. 23, lines 13-18). That is, the client server approach allows many devices to

receive the same content which is presented in the same way. Although all of the devices may

not receive all of the same grids, and a user can select which grids are provided to their device,

the grids provided from the server to the client devices are provided independent of the client

device. (Col. 23, line 61- Col. 24, line 14). Further, any changes to which grids are selected to

be provided to the client device are made by the client device in a request to the server. (Col. 22,

lines 50-56). Accordingly, the arrangement in Santoro is clearly in contrast to Applicants' step of

enabling a user to separately select a selection option associated with each picture file of the

plurality of picture files displayed on the webpage by way of a webpage for a user associated

with a wireless service provider for the cellular telephone.

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Applicants further submit that claims 23 and 28 are allowable over Santoro and Rudy for the same reasons that the claims as amended are allowable over Santoro alone. While Rudy is cited for teaching receiving a picture file as an attachment to an email, Rudy also fails to disclose or suggest enabling a user to access a plurality of picture files and separately select a selection option associated with each picture file of the plurality of picture files displayed on the webpage by way of a webpage as claimed. Accordingly, Applicants respectfully request reconsideration of the rejection of claims 21-30 in view of the amendments to independent claims 21 and 26.

Applicants have also amended independent method claims 31 and 36 to more clearly distinguish over Santoro. In particular, Applicants have amended each of the claims 31 and 36 to include a step of:

> "enabling a user to select which picture files of said plurality of picture files are displayed on said webpage by way of said webpage for a user associated with a wireless service provider for said cellular telephone."

For the same reasons as set forth above, Applicants respectfully submit that Santoro clearly fails to disclose enabling a user to access the plurality of picture files and to select which picture files of the plurality of picture files are displayed on the webpage by way of the webpage for the user. That is, the client-server approach of providing common content to a plurality of device disclosed by Santoro clearly teaches away from Applicants' invention by teaching that consistent grid and tile implementations are provided independent of the device on which it is implemented. The use of servers allow for the latest versions of tiles to be downloaded and installed across all devices. Accordingly, Applicants respectfully request reconsideration of the rejection of claims 31-40 in view of the amendments to independent claims 31 and 36.

Finally, Applicants have similarly amended claim 41 to further distinguish Applicants' claims over Santoro. In particular, Applicants have amended claim 41 to indicate that the website enables "said user to select which picture files of said plurality of picture files are displayed on said webpage." Applicants respectfully submit that claim 41 as amended clearly distinguishes over Santoro for the same reasons set forth above with respect to claims 31 and 36. That is, Santoro fails to disclose or suggest a webpage associated with a wireless service

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provider for the cellular telephone enabling access by the user, remote from the cellular telephone, to the picture files, and enabling the user to select which picture files of the plurality of picture files are displayed on the webpage. Applicants respectfully submit that dependent claims 42-49 are also allowable for the same reasons that independent claim 41 is allowable, and respectfully request reconsideration of the rejection of claims 41-49.

Conclusion

Applicants respectfully submit that the claims as amended clearly distinguish over the cited references, and that the claims are in allowable form.

Respectfully submitted,

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